

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHROPOLOGIE, INC.,

Plaintiff,

-v-

FOREVER 21, INC., *et al.*,

Defendants.

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No. 07 Civ. 7873 (RJS)
ORDER

RICHARD J. SULLIVAN, District Judge:

The Court is in receipt of the parties' joint letter requesting an extension of the briefing schedule previously entered in this matter while the parties engage in continued settlement discussions. The parties asked for and were previously granted an extension.

Rather than extending the briefing schedule once more, the Court will deny the pending motion to dismiss without prejudice to renewal should the settlement talks prove unsuccessful.

Accordingly, IT IS HEREBY ORDERED that Defendants' motion to dismiss is denied without prejudice to renewal. IT IS FURTHER ORDERED that, no later than September 30, 2009, the parties shall submit a letter advising the Court of the status of settlement discussion in this matter and whether Defendants intend to refile their motion to dismiss. The Clerk of the Court is respectfully directed to terminate the motion docketed as Doc. No. 48.

SO ORDERED.

DATED: August 7, 2009
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE